

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**IN RE:  
LORENA DUBE**

§ **Case No. 09-32080-LMC**  
§ **Chapter 13**  
§ **Confirmation Hearing Date and Time:**  
§ **December 08, 2009, at 9:00 a.m.**  
*Debtor(s).* §

**TRUSTEE'S OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**

To the Honorable Leif M. Clark, United States Bankruptcy Judge:

STUART C. COX, Standing Chapter 13 Trustee (hereinafter "Trustee"), objects to Confirmation of the debtor's proposed Chapter 13 Plan and alleges as follows:

**I.**

Trustee objects to confirmation where Debtor is contributing \$290.00 per month to a voluntary 401K, thereby indicating a lack of good faith in proposing a 14% composition plan. 11 U.S.C. § 1325(a)(3).

**II.**

Further, Trustee objects to confirmation where the plan does not call for an increase in plan payments after the Debtor's direct repayment of a 401k loan at the rate of \$478.00 per month expires in the 24<sup>th</sup> month of the plan, thereby preventing Debtor from contributing all of her disposable income to the plan in an above-median income case. 11 U.S.C. § 1325 (b)(1)(B).

**III.**

Furthermore, Trustee objects to confirmation where the plan does not call for an increase in plan payments after the Debtor's direct payments of a 2006 Chrysler 300 and a 2002 Chevy Suburban expire in the 24<sup>th</sup> month of the plan, thereby preventing Debtor from contributing all of her disposable income to the plan in an above-median income case. 11 U.S.C. § 1325 (b)(1)(B).

**Relief Sought**

Trustee prays for an Order Denying Confirmation of the proposed Chapter 13 Plan without prejudice to amend within twenty (20) days of hearing, or in the alternative, that the instant case be dismissed, and that the Court grant the Chapter 13 Trustee such other, additional and further relief to which he may be justly entitled.

Respectfully submitted,

/s/Stuart C. Cox  
Standing Chapter 13 Trustee  
SBN: 00794992  
1760 N. Lee Trevino Drive  
El Paso, TX 79936  
(915) 598-6769 telephone  
(915) 598-9002 facsimile

/s/Lucille Zavala  
Senior Staff Attorney for Stuart C. Cox  
SBN: 22251370

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing *TRUSTEE'S OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN* was served upon the parties listed below by United States Mail, first class, postage prepaid on November 25, 2009.

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